

**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE OF COMPLETE APPLICATION  
STREAMLINED MERCURY VARIANCE**

**PUBLIC NOTICE NO. 20220617 – IN0050717 - SMV**

**NOTICE DATE: JUNE 17, 2022**

**RESPONSE DATE DUE: JULY 18, 2022**

**Applicant: Norfolk Southern Railway Company – Elkhart Yard**, NPDES Permit No. IN0050717, ELKHART COUNTY, 2600 West Lusher Avenue, Elkhart, IN, 46515.

**I. Type of Application: Streamlined Mercury Variance (SMV):** On April 19, 2022, the Norfolk Southern Railway submitted a SMV application for the Elkhart Yard, a rail transportation yard, under the requirements of 327 IAC 5-3.5. (SMV Requirements & Application Process rule). The SMV establishes a streamlined process for obtaining a variance from a water quality criterion used to establish a WQBEL for mercury in an NPDES permit. The SMV application includes a Pollutant Minimization Program Plan (PMPP), which addresses the identification and minimization of mercury discharges to the environment from the permitted facility in accordance with 327 IAC 5-3.5-9. IDEM proposes to incorporate the SMV as a condition of the permit through renewal of NPDES Permit No. IN0050717.

**II. Facility Operations:** Norfolk Southern Railway Company, operates a rail transportation yard (Elkhart Yard) in Elkhart Indiana. Discharge consists of wastewater from locomotive fueling and lubrication, locomotive and railcar repair and maintenance, locomotive washing, railcar classification activities, and stormwater runoff. Raw water is supplied by the City of Elkhart. The facility currently discharges wastewater from Outfall 001 into Crawford Ditch.

**III. Contact Person:** Nikki Gardner, Office of Water Quality/NPDES Permits Branch, 100 N Senate Ave, Indianapolis, IN 46204-2251; phone: 317/232-8707, or [ngardner@idem.IN.gov](mailto:ngardner@idem.IN.gov).

**IV. Comments/Public Hearing:** In accordance with rule 327 IAC 5-3.5-5, IDEM is required to Public Notice the complete SMV application and solicit public comment. Anyone interested is invited to submit **written** comments regarding the formulation of the Final Determination to issue the SMV. **Public Hearing:** written request must include the name & contact information (address, phone, E-mail) of the person making the request, the interest of the person making the request, persons represented by the person making the request, the reason for the request, and the issues proposed for consideration at the Hearing. If the Department determines a need for a Public Hearing based on the comments and requests received, notice will be published 30 days prior, in the newspaper of the geographical area of the discharge. All comments & requests **must be postmarked no later than July 18, 2022**. Notice will be sent to all persons submitting comments or requesting notification. Notice of Final Permit action will not be made to persons who fail to request such notice.

IDEM may require the SMV applicant to modify the SMV application to be consistent with the requirements of 327 IAC 5-3.5-9. All related documents are on file & may be inspected at IDEM, Office of Water Quality/NPDES Permit Section, 12th floor/Rm 1203, 100 N. Senate Ave, Indpls., IN from 9 - 4, M - F, (copies 10¢ per page).

**V. Additional Information:** Based on staff review and application of pertinent standards & regulations, IDEM has determined the SMV application and accompanying PMPP to be complete and proposes to incorporate the SMV as a condition of the NPDES permit through renewal of NPDES Permit No. IN0050717 in accordance with 327 IAC 5-3.5-6. The Permit will be issued to include the requirements of the applicant's PMPP and an interim discharge limit for mercury calculated based on the procedures of 327 IAC 5-3.5-8. The SMV will remain in effect until the NPDES permit expires under IC 13-14-8-9.